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I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: \_\_\_\_\_

Nancy Foster

PTO/SB/64/(6-95)

PATENT

Customer No. 22,852

Attorney Docket No. 09388.0006-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )

Roderic M. K. Dale et al. )

Group Art Unit: 1623

Application No.: 09/223,957 )

Examiner: Howard V. Owens, Jr.

Filed: December 31, 1998 )

For: METHOD FOR NUCLEIC ACID  
PREPARATION )

Confirmation No.: 4286

**MAIL STOP PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper response to the Final Office Action mailed on July 2, 2003, which set a three month period for response. A Notice of Appeal, Petition for Three-Month Extension of Time, and fees were filed on December 23, 2003. The abandonment date of this application is February 24, 2004 (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefore).

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01 FC:2453 665.00 0P

Applicant hereby petitions for revival of this application.

1. Petition fee

- ☒ Small entity - fee \$665.00 (37 CFR 1.17(m))
- ☐ Small entity statement enclosed herewith.
- ☒ Small entity statement previously filed.

2. Continuation Application

- ☒ is enclosed herewith.

3. Verified statement

The entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition under 37 CFR § 1.137(b), was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 14, 2004

By: 

Michael R. Albrecht

Reg. No. 54,956

Customer No. 22,852